

**YAMAGATA**

Serial No. **09/391,399**

Amendment dated September 30, 2003

Reply to Office Action dated June 30, 2003

**REMARKS**

Upon entry of this amendment, claims 1-14 are pending in the present application.

By the present amendment, claims 13 and 14 have been added. Favorable reconsideration of the application is earnestly solicited.

The rejection of claims 1-4 and 6-12 under 35 U.S.C. §103(a) over Boernert et al. (U.S. Patent No. 6,317,619, hereinafter "Boernert") in view of Englund et al. (U.S. Patent No. 5,197,474, hereinafter "Englund") and further in view of McDougall (U.S. Patent No. 4,689,591), and the rejection of claim 5 under 35 U.S.C. §103(a) over Boernert in view of Englund and further in view of Akgun (U.S. Patent No. 4,968,937) are respectfully traversed.

Submitted herewith is a certified English language translation of the Japanese priority application upon which priority is based in the instant application. It is noted that the priority date for the instant application is September 30, 1998. The earliest filing date to which the primary reference to Boernert is entitled is July 29, 1999. Thus, Boernert is not available as prior art against any claim of the instant application. Accordingly, any rejection relying in part or in whole on Boernert is not proper. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

**YAMAGATA**

Serial No. **09/391,399**

Amendment dated September 30, 2003

Reply to Office Action dated June 30, 2003

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Updeep S. Gill  
Reg. No. 37,334

USG:dbp  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100